Agenda - Executive Policy Committee – November 7, 2012

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Report - Standing Policy Committee on Planning, Property and Development – November 6, 2012

Item No. 2 Subdivision and Rezoning– Waverley West Neighbourhood and Kenaston/Bison Southwest
(St. Norbert Ward)
File DASZ 8/2012 [c/r SP 1/2012]

STANDING COMMITTEE RECOMMENDATION:

On November 6, 2012, the Standing Policy Committee on Planning, Property and Development concurred in the recommendation of the Riel Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision under File DASZ 8/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "E" for File DASZ 8/2012 dated September 10, 2012, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 31, 2012, which is Schedule "C" of this report, with the following amendments:

    Part A – Plan Considerations

    - Amend Recommendation 12 by adding "unless a secondary access is provided" to the end thereof.

    Part C – Agreement Conditions

    - Amend Recommendation 12 by inserting "(except for those public lanes that will be used as public walkways located to the rear of or flanking the visitable housing lots)" after the word "development" in the third line thereof.

Agenda - Executive Policy Committee – November 7, 2012

Report - Standing Policy Committee on Planning, Property and Development – November 6, 2012

- Amend Recommendation 15 by inserting "and when" after the word "as" in the last line thereof.

- Delete Recommendation 16 in its entirety and replace with the following:

  "16. The Developer shall, at no expense to the City, construct a) in all streets in the West Neighbourhood measuring 22.0m in width or greater, except where frontage roads are constructed, 1.5m wide by 100mm thick Portland cement concrete sidewalks on the standard alignment, 0.3m off the property line, along both sides of the street; and b) in all streets in the West Neighbourhood less than 22.0m in width, excluding cul-de-sacs, 1.5m wide by 100mm thick Portland cement concrete sidewalks on one side of the street, at back of curb, as determined by and to the satisfaction of the Director of Public Works."

- Amend Recommendation 34 by adding "or, an equivalent financial commitment to landscaping and recreational improvements to the former Landfill Site #24, to be determined by the Director of Planning, Property and Development and the Director of Public Works" to the end thereof.

- Further amend Recommendation 34 (c) and (d) by deleting the word "west" and replacing same with the word "east" in both Recommendations.

- Amend Recommendation 40 by deleting the second paragraph of the Recommendation in its entirety.

- Delete Recommendation 48 in its entirety and renumber the remaining recommendations accordingly.

- Amend renumbered Recommendation 48 (g) (formerly Recommendation 49) by deleting the words "1.22m (4.0 feet)" and replacing same with the words "1.5m (5.0 feet)".

- Amend renumbered Recommendation 51 (formerly Recommendation 52) by deleting the words "1.22m (4.0 feet)" and replacing same with the words "1.5m (5.0 feet)".

Report - Standing Policy Committee on Planning, Property and Development – November 6, 2012

- Add the following Recommendation 57:

  "57 That the issuance of building permits be capped at 750 single family and 300 multifamily until the following conditions have been met:

  a. An "early-years to grade eight" school has been constructed on one of the identified MHRC sites within Bridgwater Forest, Bridgwater Lakes or Bridgwater Centre;

  b. The School Division has dealt with the school site in Bridgwater Forest.

  c. The extension of Kenaston Boulevard to the Perimeter Highway is completed."

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "E" for File DASZ 8/2012 dated September 10, 2012 to an "R1-M" Residential Single-Family District, an "RMF-M" Residential Multi-Family District, an "RMF-L" Residential Multi-Family District, a "PR1" Parks and Recreation 1 (Neighbourhood) District, and, a "PR2" Parks and Recreation 2 (Community) District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i. That for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" or "RMF-L" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

Report - Standing Policy Committee on Planning, Property and Development – November 6, 2012

ii. That the Developer shall, at no expense to the City, erect uniform continuous fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fence shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

iii. That the Developer shall, at no expense to the City, erect a uniform 2.0 metre high noise attenuation fence within the rear yards of all single-family and two-family lots abutting Bison Drive, Kenaston Boulevard, or Brady Road to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

iv. That upon the request of the City's Director of Public Works and the City's Director of Planning, Property and Development, the Developer shall, at no expense to the City, construct a uniform 1.5-metre-high wrought iron style (or other approved open-style), complete with a gate for each lot, within the rear yards of all single-family lots which abut a right-of-way used as a walkway/pathway (excluding automobile use) incorporated into the stormwater drainage system at the back of the lots, and maintain and/or repair and/or replace the fence as originally constructed, all to the satisfaction of the Director of Public Works and the City's Director of Planning, Property and Development;

v. That light proof fencing (e.g., solid wood, brick, concrete) along the rear boundary of any single-family residential lot that abuts a right-of-way used as a walkway/pathway (excluding automobile use) incorporated into the stormwater drainage system at the back of the lots shall not be permitted;

vi. That where single-family or two-family residential lots back onto Bison Drive, the said lots shall be established with minimum rear yards of 17.5 metres (57.41 feet);

Report - Standing Policy Committee on Planning, Property and Development – November 6, 2012

vii. That the Developer shall ensure that single-family and two-family residential lots which back onto Kenaston Boulevard are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 14337 (Schedule D) as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 14377 (Schedule D), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

Report - Standing Policy Committee on Planning, Property and Development – November 6, 2012

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Planning, Property and Development – November 6, 2012

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On November 6, 2012, the Standing Policy Committee on Planning, Property and Development concurred in the recommendation of the Riel Community Committee with the following amendment:

- Delete Recommendation 2. A. viii. in its entirety.

and forwarded the matter to the Executive Policy Committee and Council.

STANDING COMMITTEE RECOMMENDATION:

On October 16, 2012, the Standing Policy Committee on Property and Development laid over the matter to its meeting on November 6, 2012, and instructed the Winnipeg Public Service to provide clarification on the recommendations made by the Riel Community Committee.

On October 9, 2012, the Standing Policy Committee on Property and Development laid over the matter to a special meeting to be held on October 16, 2012.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 10, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Amend Recommendation 1 by:
    - Deleting the words “Schedule “B”” and replacing same with “Schedule “E””;
    - Deleting the words “August 31” and replacing same with “September 10”;
    - Adding the following to the end of Recommendation 1.A.

      “with the following amendments:

Report - Standing Policy Committee on Planning, Property and Development – November 6, 2012

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

Part A – Plan Considerations

- Amend Recommendation 12 by adding "unless a secondary access is provided" to the end thereof.

Part C – Agreement Conditions

- Amend Recommendation 12 by inserting "(except for those public lanes that will be used as public walkways located to the rear of or flanking the visitable housing lots)" after the word "development" in the third line thereof.

- Amend Recommendation 15 by inserting "and when" after the word "as" in the last line thereof.

- Delete Recommendation 16 in its entirety and replace with the following:

  "16. The Developer shall, at no expense to the City, construct a) in all streets in the West Neighbourhood measuring 22.0m in width or greater, except where frontage roads are constructed, 1.5m wide by 100mm thick Portland cement concrete sidewalks on the standard alignment, 0.3m off the property line, along both sides of the street; and b) in all streets in the West Neighbourhood less than 22.0m in width, excluding cul-de-sacs, 1.5m wide by 100mm thick Portland cement concrete sidewalks on one side of the street, at

  back of curb, as determined by and to the satisfaction of the Director of Public Works."

- Amend Recommendation 34 by adding "or, an equivalent financial commitment to landscaping and recreational improvements to the former Landfill Site #24, to be determined by the Director of Planning, Property and Development and the Director of Public Works" to the end thereof.

Report - Standing Policy Committee on Planning, Property and Development – November 6, 2012

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Further amend Recommendations 34 (c) and (d) by deleting the word "west" and replacing same with the word "east" in both Recommendations.

- Amend Recommendation 40 by deleting the second paragraph of the Recommendation in its entirety.

- Delete Recommendation 48 in its entirety and renumber the remaining recommendations accordingly.

- Amend renumbered Recommendation 48 (g) (formerly Recommendation 49) by deleting the words "1.22m (4.0 feet)" and replacing same with the words "1.5m (5.0 feet)".

- Amend renumbered Recommendation 51 (formerly Recommendation 52) by deleting the words "1.22m (4.0 feet)" and replacing same with the words "1.5m (5.0 feet)".

- Add the following Recommendation 57:

  "57 That the issuance of building permits be capped at 750 single family and 300 multifamily until the following conditions have been met:

  a. An "early-years to grade eight" school has been constructed on one of the identified MHRC sites within Bridgwater Forest, Bridgwater Lakes or Bridgwater Centre;

  b. The School Division has dealt with the school site in Bridgwater Forest.

  c. The extension of Kenaston Boulevard to the Perimeter Highway is completed.""

Report - Standing Policy Committee on Planning, Property and Development – November 6, 2012

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Amend Recommendation 2 by:

  - Deleting the words "Schedule "B"" and replacing same with "Schedule "E"";

  - Deleting the words "August 31" and replacing same with "September 10";

  - Deleting "1.22" and replacing same with "1.5" in Recommendation 2. A. iv.;

  - Adding the following new Recommendation 2. A. viii:

    "2. A. viii. That the Developer be required to donate two of the lots created by this subdivision to the St. Amant Centre for the provision of client housing under the Community Residential Program of St. Amant,"

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning– Waverley West Neighbourhood and Kenaston/Bison Southwest**
File DASZ 8/2012 [c/r SP 1/2012]

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Marc Pittet, Senior Committee Clerk**
Riel Community Committee

Report date: **September 12, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 10, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 8/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule ~~***"B"***~~ ***"E"*** for File DASZ 8/2012 dated ~~***August 31***~~ ***September 10,*** 2012, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 31, 2012, which is Schedule "C" of this report, ***with the following amendments:***

    Part A – Plan Considerations

    - ***Amend Recommendation 12 by adding "unless a secondary access is provided" to the end thereof.***

    Part C – Agreement Conditions

    - ***Amend Recommendation 12 by inserting "(except for those public lanes that will be used as public walkways located to the rear of or flanking the visitable housing lots)" after the word "development" in the third line thereof.***

    - ***Amend Recommendation 15 by inserting "and when" after the word "as" in the last line thereof.***

- ***Delete Recommendation 16 in its entirety and replace with the following:***

  "16. The Developer shall, at no expense to the City, construct a) in all streets in the West Neighbourhood measuring 22.0m in width or greater, except where frontage roads are constructed, 1.5m wide by 100mm thick Portland cement concrete sidewalks on the standard alignment, 0.3m off the property line, along both sides of the street; and b) in all streets in the West Neighbourhood less than 22.0m in width, excluding cul-de-sacs, 1.5m wide by 100mm thick Portland cement concrete sidewalks on one side of the street, at back of curb, as determined by and to the satisfaction of the Director of Public Works."

- ***Amend Recommendation 34 by adding "or, an equivalent financial commitment to landscaping and recreational improvements to the former Landfill Site #24, to be determined by the Director of Planning, Property and Development and the Director of Public Works" to the end thereof.***

- ***Further amend Recommendations 34 (c) and (d) by deleting the word "west" and replacing same with the word "east" in both Recommendations.***

- ***Amend Recommendation 40 by deleting the second paragraph of the Recommendation in its entirety.***

- ***Delete Recommendation 48 in its entirety and renumber the remaining recommendations accordingly.***

- ***Amend renumbered Recommendation 48 (g) (formerly Recommendation 49) by deleting the words "1.22m (4.0 feet)" and replacing same with the words "1.5m (5.0 feet)".***

- ***Amend renumbered Recommendation 51 (formerly Recommendation 52) by deleting the words "1.22m (4.0 feet)" and replacing same with the words "1.5m (5.0 feet)".***

- ***Add the following Recommendation 57:***

  "57 That the issuance of building permits be capped at 750 single family and 300 multifamily until the following conditions have been met:

a. An "early-years to grade eight" school has been constructed on one of the identified MHRC sites within Bridgwater Forest, Bridgwater Lakes or Bridgwater Centre;

b. The School Division has dealt with the school site in Bridgwater Forest.

c. The extension of Kenaston Boulevard to the Perimeter Highway is completed.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule ~~***"B"***~~ ***"E"*** for File DASZ 8/2012 dated ~~***August 31***~~ ***September 10,*** 2012 to an "R1-M" Residential Single-Family District, an "RMF-M" Residential Multi-Family District, an "RMF-L" Residential Multi-Family District, a "PR1" Parks and Recreation 1 (Neighbourhood) District, and, a "PR2" Parks and Recreation 2 (Community) District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

i. That for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" or "RMF-L" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the Developer shall, at no expense to the City, erect uniform continuous fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fence shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

iii. That the Developer shall, at no expense to the City, erect a uniform 2.0 metre high noise attenuation fence within the rear yards of all single-family and two-family lots abutting Bison Drive, Kenaston Boulevard, or

Brady Road to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

iv. That upon the request of the City's Director of Public Works and the City's Director of Planning, Property and Development, the Developer shall, at no expense to the City, construct a uniform ~~***1.22***~~ ***1.5***-metre-high wrought iron style (or other approved open-style), complete with a gate for each lot, within the rear yards of all single-family lots which abut a right-of-way used as a walkway/pathway (excluding automobile use) incorporated into the stormwater drainage system at the back of the lots, and maintain and/or repair and/or replace the fence as originally constructed, all to the satisfaction of the Director of Public Works and the City's Director of Planning, Property and Development;

v. That light proof fencing (e.g., solid wood, brick, concrete) along the rear boundary of any single-family residential lot that abuts a right-of-way used as a walkway/pathway (excluding automobile use) incorporated into the stormwater drainage system at the back of the lots shall not be permitted;

vi. That where single-family or two-family residential lots back onto Bison Drive, the said lots shall be established with minimum rear yards of 17.5 metres (57.41 feet);

vii. That the Developer shall ensure that single-family and two-family residential lots which back onto Kenaston Boulevard are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots.

viii. That the Developer be required to donate two of the lots created by this subdivision to the St. Amant Centre for the provision of client housing under the Community Residential Program of St. Amant.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 14337 (Schedule D) as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 14377 (Schedule D), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to

protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated August 31, 2012.

PUBLIC HEARING SUMMARY

File: DASZ 8/2012

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Mayes
Councillor Swandel

Public Hearing: September 10, 2012
Council Chamber
Council Building, 510 Main Street

Applicant: MMM Group (Lauren Lange)

Subject:



APPLICANT : MMM GROUP
FILE : DASZ 8/12
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "A" AGRICULTURAL DISTRICT to the following zoning districts: "PR1" PARKS AND RECREATION 1 DISTRICT, "PR2" PARKS AND RECREATION 2 DISTRICT, "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RMF-M" and "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICTS. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : MMM GROUP
N° DE RÉFÉRENCE : DALZ 8/12
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie A (SECTEUR AGRICOLE) aux secteurs de zonage PR1 (SECTEUR DES PARCS ET DES LOISIRS 1), PR2 (SECTEUR DES PARCS ET DES LOISIRS 2), R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES), RMF-M (SECTEUR D'HABITATIONS MULTIFAMILIALES MOYENNES) ET RMF-L (SECTEUR DE GRANDES HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: Waverley West Neighbourhood and Kenaston /Bison Southwest

Exhibits Filed:

1. Application dated June 4, 2012
2. Notification of Public Hearing dated July 31, 2012
3. Manitoba Status of Titles 1932724/1; 1932799/1; 2379996/1; 2575425/1; 2575448/1; 2575452/1; 2575480/1; 2575481/1 and 2595912/1
4. Letter of authorization dated March 23, 2012 from Manitoba Housing to MMM Group
5. Letter of authorization dated April2 6,2 012 from William Babiuk to MMM Goup
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated August 31, 2012
8. Inspection Report
9. Communication from Rachel Unrau, Dowalt Custom Homes, dated September 10, 2012, in support of the application
10. Communication from Ken Braun, Qualico Single Family Housing Division, dated September 10, 2012, in support of the application
11. Communication from Jason Arlt, Arlt Homes Ltd., dated September 10, 2012, in support of the application
12. Communication from Glenda Sobie, Ventura Custom Homes Ltd., dated September 10, 2012, in support of the application
13. Communication from Joshua Rist, Discovery Homes, dated September 10, 2012, in support of the application
14. Communication from Signature Homes dated September 10, 2012, in support of the application
15. Communication from Rob Wickstrom, Hearth Homes, dated September 10, 2012, in support of the application
16. Communication from Tony Balaz, Kensington Homes, dated September 10, 2012, in support of the application
17. Communication from Gerald Matheson, Bentley Homes, dated September 10, 2012, in support of the application
18. Communication from Robert Cotroneo, Gino's Homes, dated September 10, 2012, in support of the application
19. Communication from Spencer Curtis, Hilton Custom Homes, dated September 10, 2012, in support of the application
20. Communication and documentation in support of the application submitted by Paul McNeil at the Public Hearing
21. Schedule "E" submitted at the Public Hearing by the Winnipeg Public Service dated September 10, 2012
22. Audio Recording of representations

REPRESENTATIONS:

In Support:

Jason Arlt, Arlt Homes Ltd.
Tony Balaz, Kensington Homes
Chris Baker
Ken Braun, Qualico Single Family Housing Division
Misty Carson, MMM Group Limited
Adule Chris
Robert Cotroneo, Gino's Homes
Spencer Curtis, Hilton Custom Homes
James Gallagher
Gerald Matheson, Bentley Homes
Paul McNeil, MMM Group Limited
Joshua Rist, Discovery Homes
Signature Homes
Glenda Sobie, Ventura Custom Homes Ltd.
Frank Spezzano
Gerry Trottier, Southwyn Homes Ltd
Rachel Unrau, Dowalt Custom Homes
Rob Wickstrom, Hearth Homes
Mathew Yan

In Opposition

Nil

For Information:

Michael Carruthers
Donovan Toews, Landmark Planning

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. J. Kiernan, Coordinator, Parks, Riverbanks and Community Initiatives, Planning, Property and Development Department
Ms. D. Beaton, Park Strategic Planner, Planning, Property and Development Department
Mr. K. Kowalke, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 8//2012

ADMINISTRATIVE REPORT

Title: DASZ 8/2012 – Waverley West – West Neighbourhood (Neighbourhood Plan Area "E") Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide and rezone approximately 349 acres of land in the Waverley West – West Neighbourhood.(Neighbourhood Plan Area "E")

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 8/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 8/2012 dated August 31, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 31, 2012, which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 8/2012 dated August 31, 2012 to an "R1-M" Residential Single-Family District, an "RMF-M" Residential Multi-Family District, an "RMF-L" Residential Multi-Family District, a "PR1" Parks and Recreation 1 (Neighbourhood) District, and, a "PR2" Parks and Recreation 2 (Community) District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" or "RMF-L" Residential Multi-Family, plans shall be submitted showing the location and design of

the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii) That, the Developer shall, at no expense to the City, erect uniform continuous fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fence shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

iii) That, the Developer shall, at no expense to the City, erect a uniform 2.0 metre high noise attenuation fence within the rear yards of all single-family and two-family lots abutting Bison Drive, Kenaston Boulevard, or Brady Road to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

iv) That, upon the request of the City's Director of Public Works and the City's Director of Planning, Property and Development, the Developer shall, at no expense to the City, construct a uniform 1.22-metre-high wrought iron style (or other approved open-style), complete with a gate for each lot, within the rear yards of all single-family lots which abut a right-of-way used as a walkway/pathway (excluding automobile use) incorporated into the stormwater drainage system at the back of the lots, and maintain and/or repair and/or replace the fence as originally constructed, all to the satisfaction of the Director of Public Works and the City's Director of Planning, Property and Development;

v) That, light proof fencing (e.g., solid wood, brick, concrete) along the rear boundary of any single-family residential lot that abuts a right-of-way used as a walkway/pathway (excluding automobile use) incorporated into the stormwater drainage system at the back of the lots shall not be permitted;

vi) That, where single-family or two-family residential lots back onto Bison Drive, the said lots shall be established with minimum rear yards of 17.5 metres (57.41 feet);

vii) That, the Developer shall ensure that single-family and two-family residential lots which back onto Kenaston Boulevard are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 14337 (Schedule D) as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 14377 (Schedule D), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

6. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to subdivide the 349 acre site in order to create several blocks, streets, and lanes and rezone the property from “A” Agricultural to “R1-M”

Residential Single-Family Medium; “RMF-M” Residential Multi-Family Medium; “RMF-L” Residential Multi-Family Large; “PR1” Parks and Recreation 1 (Neighbourhood) and “PR2” Parks and Recreation 2 (Community).

- The City of Winnipeg owns Part Lot 37, Plan 2145 and Part Drain Plan 6714, which are both within the planned area of the subject application. The City of Winnipeg Real Estate Division has permitted the applicant to include this land in the DASZ application (see Schedule “D”, Miscellaneous Plan No. 14337).
- After the subject planned area was advertised, the applicant requested to add a parcel line in about the middle of the one RMF-L zoned lot that is located at the northeast corner of the site. This effectively creates two RMF-L zoned parcels. The Urban Planning Division has reviewed this change and confirmed that it can proceed.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided and rezoned consistent with the drawing provided in Schedule “B” of this report.

HISTORY

Summary of Major By-laws and Subdivision and Rezonings Adopted and Approved in Waverley West

- On April 27, 2005, Council adopted By-Law No. 50/2004 (see file PW 2/2003), which amended Plan Winnipeg 2020 in order to designate the lands south of the westerly extension of Bishop Grandin Boulevard, east of Brady Road, north of the Perimeter Highway, and west of Waverley Street (lands commonly known as “Waverley West”), from Rural Policy Area to Neighbourhood Policy Area.
- On July 26, 2006, Council adopted the *Waverley West Area Structure Plan* under By-Law No. 10/2006 (see file SP 4/2005). This secondary plan guides all development in the Waverley West area.
- On December 6, 2006, Council adopted the *Waverley West Northeast Neighbourhood Area Structure Plan* under By-Law No. 210/2006 (see file SP 5/2005). This area structure plan adheres to the requirements of the *Waverley West Area Structure Plan* and specifically guides development in the *Northeast Neighbourhood*.
- On January 24, 2007, Council adopted By-Law No. 20/2007 (see file DASZ 1/2006), allowing the rezoning and subdivision of 360 acres of land in the *Waverley West Northeast Neighbourhood* from an “A.5” Agricultural District to an “R1-3” Residential District, an “R1-4” Residential District, an “RM-3” Multiple-Family District, and a “PR1”

Parks and Recreation District under Zoning By-Law No. 6400/94. This subdivision was guided by the *Waverley West Northeast Neighbourhood Area Structure Plan.* A portion of the northeast part the Kenaston Boulevard extension was opened under this subdivision and rezoning application.

- On April 25, 2007, Council adopted By-Law No. 88/2007 (see file DASZ 1/2007), allowing the rezoning and subdivision of 22 acres of land of land in the *Waverley West Northeast Neighbourhood* from an "A" Agricultural District to an "R1-3" Residential District and an "R1-4" Residential District under Zoning By-Law No. 6400/94. This subdivision was guided by the *Waverley West Northeast Neighbourhood Area Structure Plan.* The northernmost portion of the Kenaston Boulevard extension was opened under this subdivision and rezoning application.
- On November 21, 2007, Council adopted the *Waverley West Southheast Neighbourhood Area Structure Plan* under By-Law No. 140/2007 (see file SP 2/2007). This area structure plan adheres to the requirements of the *Waverley West Area Structure Plan* and specifically guides development in the *Southeast Neighbourhood*.
- On April 23, 2008, Council adopted By-Law No. 82/2008 (see file DASZ 22/2007), allowing the rezoning and subdivision of 495 acres of land in the *Waverley West Southeast Neighbourhood* from an "A" Agricultural District to an "R1-3.5" Residential District, an "RM-2" and an "RM-4" Multiple-Family Districts, a "C2" Commercial District, and a "PR1" Parks and Recreation District under Zoning By-Law No. 6400/94. This subdivision was guided by the *Waverley West Southeast Neighbourhood Area Structure Plan.* The southern portion of the Kenaston Boulevard extension was opened under this subdivision and rezoning application.
- On December 17, 2008, Council adopted By-Law No. 186/2008 (see file DASZ 16/2008), allowing the rezoning and subdivision of 3 acres of land in the *Waverley West Northeast Neighbourhood* from an "A" Agricultural District to an "R1-S" Residential Single-Family District. This subdivision was guided by the *Waverley West Northeast Neighbourhood Area Structure Plan.* During the time of application for file DASZ 1/2006, this land was the site of a soils and aggregate business. The land was sold and 22 single-family lots were created under this application along with the opening of the remnant piece of Appletree Crescent.
- On March 25, 2009, Council adopted By-Law No. 45/2009 (see file DASZ 27/2008), allowing the rezoning and subdivision of 36.3 acres of land in the *Waverley West Northeast Neighbourhood* from an "A" Agricultural District to an "R1-M" Residential District, and a "PR1" Parks and Recreation District under Zoning By-Law No. 200/2006. This subdivision was guided by the *Waverley West Northeast Neighbourhood Area Structure Plan.* Approximately 8 acres of land was used to create the right-of-way for the extension of Bison Drive to the west.
- On September 30, 2009, Council adopted By-Law No. 35/2009 (see file SPA 1/2009), which amended the *Waverley West Northeast Neighbourhood Area Structure Plan.* The resulting amendments include: changes to the total acreage in the land use table (Section 5 of the *Plan*); a reduction of area dedicated for park space in the Northeast Neighbourhood (from 102 acres to 85 acres); text changes to the Parks Section (Section 5.5) that allow for active recreation opportunities on the former landfill site; and the requirement that the former landfill site be remediated to the satisfaction of the City of Winnipeg Water and Waste Department.

- On April 28, 2010, Council adopted By-Law No. 44/2010 (see file DASZ 3/2009) allowing the rezoning and subdivision of the southern portion of the Northeast Neighbourhood from an "A" Agricultural District, "PR1" Parks and Recreation 1 District, "R1-M" and R1-S" Residential Single-Family District to a "PR1" Parks and Recreation 1 District, "RMF-M" Residential Multi-Family District, and an "R1-M" Single-Family District. This application resulted from the applicant making an offer to purchase the former landfill site from the City of Winnipeg and remediate and redevelop the site at no cost to the City. Surrounding areas that had been rezoned and subdivided under file DASZ 1/2006 needed to be reorganized to rationalize drainage, circulation and land uses to tie into the redevelopment of the former landfill. The *Northeast Neighbourhood Secondary Plan* also needed to be amended to allow for this development (see By-Law No. 44/2010 – file SPA 1/2009 above).
- On July 21, 2010, Council adopted the *Waverley West Northwest Neighbourhood Area Structure Plan* under By-Law No. 37/2010 (see file SP 1/2010). This area structure plan adheres to the requirements of the *Waverley West Area Structure Plan* and specifically guides development in the *Northwest Neighbourhood*.
- On July 21, 2010, Council adopted the *Waverley West Town Centre Neighbourhood Area Structure Plan* under By-Law No. 38/2010 (see file SP 2/2010). This area structure plan adheres to the requirements of the *Waverley West Area Structure Plan* and specifically guides development in the *Town Centre Neighbourhood*.
- On July 21, 2010, Council approved DASZ 4/2010, allowing the rezoning and subdivision of all of the aforementioned Waverley West Northwest Neighbourhood and Town Centre, which combined equate to approximately 444 acres. The rezoning of the Northwest Neighbourhood was from "A" Agricultural to "R1-M" Residential Single-Family, "PR1" Parks and Recreation 1, and "PR2" Parks and Recreation 2. The rezoning for the Town Centre was from "A" Agricultural to "RMF-S" and "RMF-L" Multi-Family Districts, "C2" Commercial Community, "C3" Commercial Corridor, "CMU" Commercial Mixed-Use, "MMU" Manufacturing Mixed-Use, and "PR1" Parks and Recreation 1 Districts.
- On June 27, 2012, the Standing Policy Committee on Property and Development forwarded By-Law 90/2012 to Council for First Reading to allow for the Riel Community Committee to conduct a public hearing for the Waverley West – West Neighbourhood Area Structure Plan.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk, MCIP
Date:	August 31, 2012
File No.	DASZ 8/2012

List of Schedules and Attachments

1. Appendix A Planning Discussion
2. Schedule “A” Advertised Subdivision and Rezoning for DASZ 8/2012
3. Schedule “B” Recommended File No. DASZ 8/2012 Riel Community Committee, dated August 31, 2012.
4. Schedule “C” Report of the Administrative Coordinating Group
5. Schedule “D” Misc. Plan No. 14337

APPENDIX 'A'

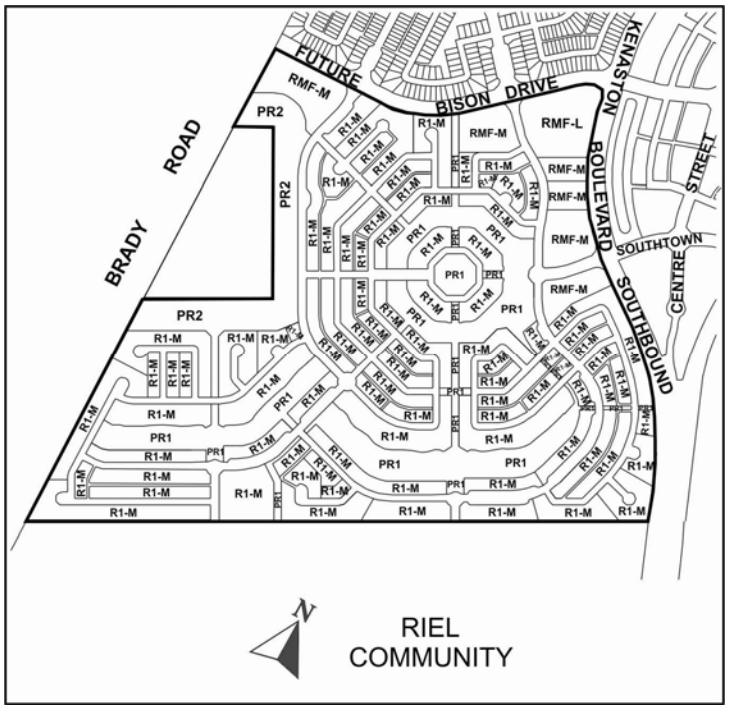
DATE: August 31, 2012

FILE: DASZ 8/2012
RELATED FILES: SP 1/2012 (c/r), SP 2/2010, SP 1/2010, SP 4/2005, PW 2/2003

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.684 (Waverley West E)

SUBJECT: The applicant is proposing to subdivide and rezone 349 acres of land in the Waverley West area for the development of a residential neighbourhood.

LOCATION: Waverley West Neighbourhood Plan Area "E" (as shown in the Waverley West Area Structure Plan, By-law 10/2006 and in the picture below)



APPLICANT: MMM Group
111-93 Lombard Ave
Winnipeg MB R3B 3B1

OWNER(S): Manitoba Housing and Renewal Corporation
2707 -83 Garry Street
Winnipeg, MB

City of Winnipeg

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the 349 acre site in order to create several blocks, streets, and lanes and rezone the property from “A” Agricultural to “R1-M” Residential Single-Family Medium; “RMF-M” Residential Multi-Family Medium; “RMF-L” Residential Multi-Family Large; “PR1” Parks and Recreation 1 (Neighbourhood) and “PR2” Parks and Recreation 2 (Community).
- The City of Winnipeg owns Part Lot 37, Plan 2145 and Part Drain Plan 6714, which are both within the planned area of the subject application. The City of Winnipeg Real Estate Division has permitted the applicant to include this land in the DASZ application (see Schedule “D”, Miscellaneous Plan No. 14337).
- After the subject planned area was advertised, the applicant requested to add a parcel line in about the middle of the one RMF-L zoned lot that is located at the northeast corner of the site. This effectively creates two RMF-L zoned parcels. The Urban Planning Division has reviewed this change and confirmed that it can proceed.
- The Urban Planning Division recommends supporting this application as shown in Schedule “B” subject to conditions.

SITE DESCRIPTION

- The subject site is located between Brady Road and the Waverley West Town Centre, south of the Waverley West Northwest Neighbourhood in the Waverley West E neighbourhood of the St. Norbert Ward.
- The site is vacant and is approximately **349 acres (15,202,440 square feet) in area.** It should be noted that unlike the associated Neighbourhood Area Structure Plan application SP 1/2012, the subject subdivision and rezoning does not include the City of Winnipeg-owned former landfill site, which is approximately 26 acres in area.
- The site is located in the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy.
- The site is also identified as Neighbourhood Plan Area “E” under the Waverley West Area Structure Plan (By-law 10/2006) and is zoned “A” Agricultural.



Figure 1: Aerial photograph showing approximate area of the subject site and surrounding area (2009)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: The future Bison Drive extension and land in the Waverley West Northwest Neighbourhood that is in the process of being developed into streets and single-family homes zoned R1-M.

South: Neighbourhood Plan Area "D" (under the Waverley West Area Structure Plan), which is currently vacant agricultural land zoned A.

East: The Kenaston Extension and the Waverley West Town Centre.

West: Brady Road and the City of Winnipeg western boundary.

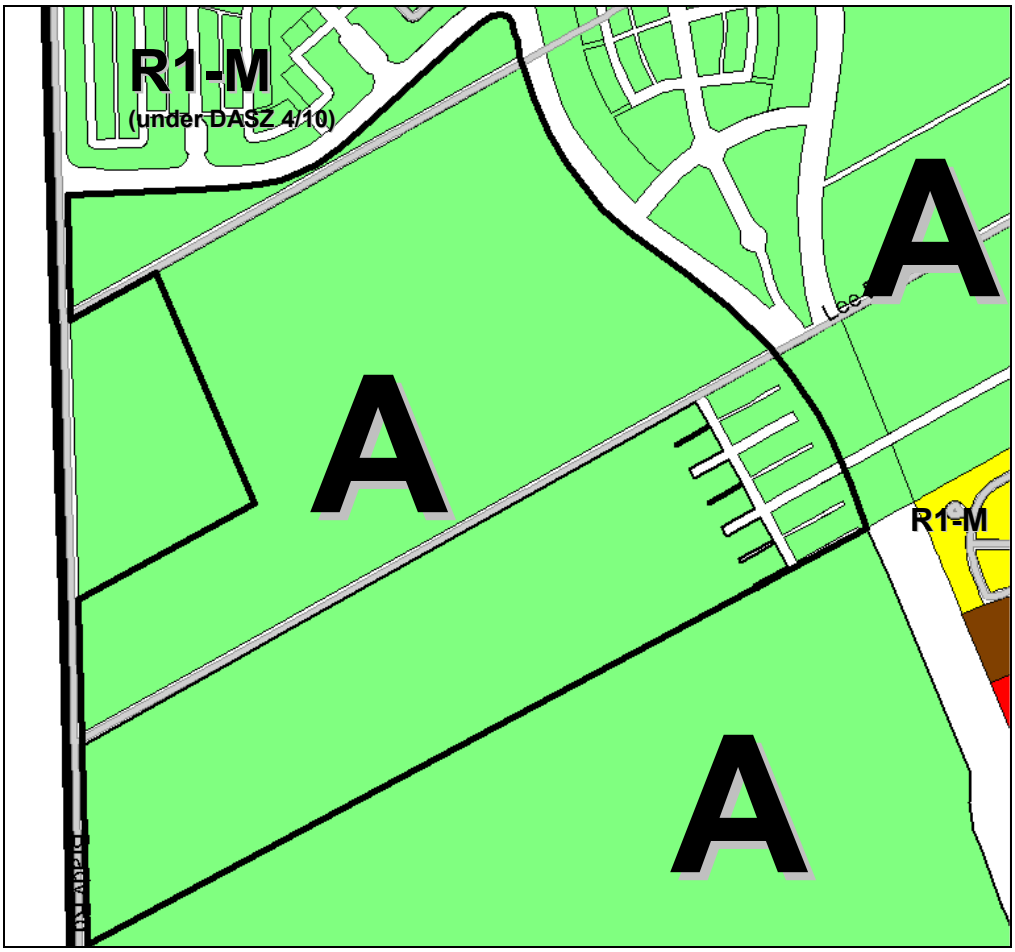


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the 349 acre site in order to create several blocks, streets, and lanes and rezone the property from “A” Agricultural to “R1-M” Residential Single-Family Medium; “RMF-M” Residential Multi-Family Medium; “RMF-L” Residential Multi-Family Large; “PR1” Parks and Recreation 1 (Neighbourhood) and “PR2” Parks and Recreation 2 (Community).

Residential Development

- The proposed development is intended to be entirely residential with a mix of parks. A mix of residential zoning that allows for detached single-family homes and multi-family developments is being requested (R1-M, RMF-M, and RMF-L).
- The development is predominantly comprised of lots zoned for detached single-family development. In fact, approximately 168 of the 375 acres of land in this neighbourhood (+/- 45%) is requested to become zoned R1-M.
- The minimum required lot size for single-family homes in the R1-M zone is 3,500 square feet. As such, the maximum number of single-family homes that could be built within the 168 acres of land being requested to be zoned to R1-M is about 2,090 homes.

- It is anticipated that a minimum of 50% of the single-family homes developed in this neighbourhood will be comprised of "visitable homes". Visitable homes allow basic and essential access to both residents and visitors who experience difficulties with steps because of mobility limitations. A home incorporating minimum visitable design features would include:
    - One level, no-step entrances that are a minimum of 36 inches wide and located on an accessible route
    - Wider doorways (minimum 32 inches)
    - A wheelchair accessible bathroom on the main floor.[1]
- A significant number of the visitable single-family homes will be located along 6.25-metre wide open right-of-ways. These right-of-ways are proposed to include a pathway between some of the visitable housing lots. However, the primary purpose of this open right-of-way is to accommodate drainage for homes that back onto this right-of-way.
- Approximately 32.5 acres of land is requested to be rezoned for multi-family development. All of the land to be rezoned to a multi-family designation is located on the south side of Bison Drive and the west side of the Kenaston Extension, which is west of the Waverley West Town Centre.
- About 23.75 of the 32.5 acres of land requested to be rezoned for multi-family development is designated as RMF-M. The remaining 8.7 acres is to be rezoned to RMF-L. If developed to their full capacity, all of RMF-M and RMF-L zoned land could accommodate a maximum of approximately 2,235 dwelling units (1,290 units within the lands zoned RMF-M and 945 units in the RMF-L portion).

Parks

- The proposed development includes about 50 acres of land to be rezoned for parks purposes (PR1 and PR2).
- A significant portion of the park land will include linear trails that will connect with other trails within the neighbourhood and to adjacent neighbourhoods to the north, east, and south. Other park uses such as parks spaces predominantly reserved for sports fields and playgrounds will be located to the west near the former landfill site. A small park area near the eastern extent of the site is also intended for the potential development of a playground.
- A central "focal point" park and feature have been proposed but details on the "focal point" have not been provided by the applicant.
- It should be noted that the 6.25-metre wide open right-of-ways proposed behind the single-family visitable lots are not actually park land and are not included in the calculation of park dedication credits.

Streets and Sidewalks

- The main points for vehicular access to the site are from Kenaston Boulevard (1 roadway connection), Bison Drive (2 roadway connections), and from Waverley West Neighbourhood Plan Area "D" (2 roadway connections).

[1] City of Winnipeg. (2009). "Building a Visitable Home in Winnipeg." http://www.winnipeg.ca/ppd/UD/visitablehome.pdf

- There are 2 collectors proposed for the neighbourhood. Both collectors run north/south and connect the subject neighbourhood to the Northwest Neighbourhood and Waverley West Neighbourhood Plan Area "D". The westernmost collector also connects to the Kenaston Extension and the Waverley West Town Centre.
- Sidewalks are proposed throughout the neighbourhood.

Transit

- The applicant has provided a conceptual routing plan for public transit. The proposed route follows the collector streets.

School Site

- The applicant has consulted with the Pembina Trails School Division and identified a location for an elementary/middle years school (see associated file SP 1/2012).
- The school reserve will be a minimum of approximately 5 acres in area and will have frontage on a collector road or greater standard. The proposed neighbourhood design also includes a park/pathway connection to the school site.
- The proposed zoning for the school area is R1-M.
- Policies regarding the school site are included in the associated Waverley West – West Neighbourhood Area Structure Plan (SP 1/2012).

Utilities and Servicing

- A full-range of municipal services (water, sewer, land drainage, and urban standard roadway) will be provided in the development.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
    - Encourage intensification to occur at centres and along corridors.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
    - Support Complete Communities by ensuring a diverse and high quality housing stock.

- In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
- Provide opportunities to increase multi-modal connectivity when redevelopment occurs.
- Support a mix of commercial services and employment uses that serve the local community.
- Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

WAVERLEY WEST AREA STRUCTURE PLAN

- The Waverley West Area Structure Plan provides the overall planning guidance for the development of Waverley West. This plan, under Sections 4.2 and 13, identifies that Waverley West is to be comprised of seven neighbourhoods (A, B, C, D, E, F and the Town Centre) and requires that all identified neighbourhoods be subject to Neighbourhood Area Structure Plans prior to intensification or development.
- The associated application SP 1/2012 Waverley West – West Neighbourhood Area Structure Plan has been submitted in conjunction with this subject subdivision and rezoning.
- The proposed subdivision and rezoning application is consistent with the Waverley West Area Structure Plan, and is consistent with the policies in the proposed Waverley West – West Neighbourhood Area Structure Plan (SP 1/2012).

ZONING

"A" Agricultural District

- The Agricultural district is intended for general agricultural activities. The minimum lot area is 40 acres, the minimum lot width is 300 feet, and the minimum front yard is 100 feet. The minimum rear and side yards are 25 feet and the maximum building height is 30 feet.

"PR1" Parks and Recreation 1 (Neighbourhood) District

- The PR1 district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, no parking facilities are associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

"PR2" Parks and Recreation 2 (Community) District

- The PR2 district is intended for sites that include community recreation facilities and parks that are accessed by a mix of pedestrian and vehicular traffic. These sites may provide active programs and activities, including community centres, hockey rinks, arenas, indoor soccer, wading pools, spray parks, skateboard parks and athletic fields.

Parking facilities ranging from 10 to 100 stalls may be associated with these uses. These parks and facilities typically occur along collector streets.

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

"RMF-M" Residential Multi-Family Medium

- The RMF-M zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-M zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 60 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 800 square feet.

"RMF-L" Residential Multi-Family District – Large

- The RMF-L zoning district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. There is a front and rear yard requirement of 25 feet and the maximum building height is 150 feet. The minimum side yard is 8 feet; however, if the building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet. The minimum lot width is 25 feet and lot area 20,000 square feet (400 square feet per dwelling unit).

LAND USE BY-LAW

Rezoning

- The A zoning district is intended for general agricultural activities. The applicant is proposing to rezone the land from A to PR1, PR2, R1-M, RMF-M, and RMF-L in order to create a fully-serviced residential neighbourhood within Waverley West.

COMPATIBILITY WITH THE SURROUNDING AREA

- The proposed residential neighbourhood development is compatible with the surrounding area as it is consistent with the Waverley West Area Structure Plan and the proposed Waverley West – West Neighbourhood Area Structure Plan (SP 1/2012).

SITE DESIGN

Streets and Sidewalks

- The proposed development is connected to the surrounding neighbourhoods via 2 collector roads that provide vehicular access to the site from both the Northwest Neighbourhood (to the north) and Waverley West Neighbourhood Plan Area "D" (to the south). The easternmost collector road is also connected to the Kenaston Extension and South Town Road in the Waverley West Town Centre.

- The design of the residential area includes both laned and non-laned lots. Some of the lane areas will be used “rear pathways” instead of being primarily for vehicular traffic for the visitable single-family residential lots.
- As indicated in the Waverley West – West Neighbourhood Area Structure Plan (SP 1/2012), sidewalks are proposed on both sides of the collectors and on at least one side of the residential streets.

Parks and Active Transportation

- The applicant has worked extensively with the Public Service in trying to create a linear parkway system that is direct and limits the number of street crossings. As proposed, the linear system establishes an effective pathway system that is well-connected to the north and south neighbourhoods and to other amenities within the proposed neighbourhood (i.e. the school site and sports field areas and “focal point”).
- As previously discussed in the planner’s report for DASZ 4/2010, the mid-block pathway crossing at Bison Drive raises some concerns. It would have been preferred if this mid-block crossing at Bison was moved to a location with a signalized intersection. However, the mid-block crossing was established under DASZ 4/2010 and now the applicant is following through with a connection that aligns to that pathway location.
- Most of the major open park space that can accommodate sports fields is located along the perimeter of the former landfill where a 90 metre zone of control is required. The Public Service notes in the ACG Report (Schedule C) that it does not prefer this location or the proposed arrangement of the sports fields and is willing to only give partial credit for dedication for these lands. Secondly, having virtually all of the sports fields in one corner of the community is generally not preferred over having the fields dispersed throughout various quadrants of the community.
- As previously indicated, a central “focal point” park and feature have been proposed but details on the “focal point” have not been provided by the applicant. Prior to the issuance of any building or development permit for the creation of this focal point, a proactive and collaborative planning process with the City is required with the final approval of the Director of Public Works and Director of Planning, Property and Development to determine the type, quality, and location of the focal point feature, as well as supporting infrastructure.
- It is questionable as to how used the “focal point” park will become. The focal point is not surrounded by higher density residential development where residents could be more likely to use the park space as it would be immediately nearby. Instead, the park is in close proximity to what will likely become large lot single-family residential that will have a very low density. Additionally, although the park is central to the neighbourhood, it is somewhat cut-off by the retention ponds.

6.25-Meter Wide Open Right-of-Ways with “Rear Pathways”

- Similar to DASZ 4/2010 for the Waverley West Northwest Neighbourhood, 6.25-metre wide open right-of-ways are proposed behind the single-family visitable lots. These right-of-ways will include a pathway between some of the visitable housing lots. However, the primary purpose of the open right-of-ways is to accommodate drainage for homes that back onto these right-of-ways.

- Concerns raised by the Public Service about the proposed “rear pathways” in DASZ 4/2010 primarily had to do with safety; function; and, maintenance.
- Although many of the safety concerns have been better addressed in the subject application, the functionality of the “rear pathways” is questionable as these pathways still ultimately duplicate what is already provided in the linear pathway system. Further, maintenance of these pathways has yet to be tested. The on-going maintenance of the pathway can be challenging as the grass strips adjacent to the pathway will need mowing and snow removal will be required as well as maintenance of the catch basins.

Public Transit

- The applicant has provided a conceptual routing plan for public transit. The proposed route follows the collector streets and is deemed suitable to Winnipeg Transit.

Density

- About 12.5% of the developable land in the subject neighbourhood is being rezoned to a category that can accommodate multi-family development. The Waverley West Financial Impact Analysis, which was prepared for the required Plan Winnipeg Amendment in 2004, was modeled off of 4,000 multi-family units and 7,000 single-family homes within all of Waverley West.
- As previously mentioned, the maximum number of single-family homes and multi-family dwelling units that can be developed within this neighbourhood are approximately 2,090 and 2,235 respectively.
- Dwelling targets are provided for both the lower density residential area (proposed to be zoned R1-M) and the multi-family residential area (RMF-zoned lands) within the density policy section of the associated application SP 1/2012 Waverley West – West Neighbourhood Area Structure Plan. The lower density target is 1,100 units while the multi-family target is about 950 dwelling units.
- It should be noted that 7 dwelling units per net acre is generally accepted as a standard to service a neighbourhood with on-street transit. Considering the zoning proposed and the proposed dwelling unit targets, the subject neighbourhood development should reach this number. In fact, using the density targets provided the proposed dwelling units per net acre would equate to about 9.5.
- Proportionally the anticipated number of dwelling units also appears to be in line with the model used for dwelling units in the Waverley West Financial Impact Analysis.

CHANGES TO THE PLANNED AREA AFTER ADVERTISEMENT

- After the subject planned area was advertised, the applicant requested to add a parcel line in about the middle of the one RMF-L zoned lot that is located at the northeast corner of the site. This effectively creates two RMF-L zoned parcels.
- The Urban Planning Division has reviewed this change and confirmed that it can proceed as it does not result in an intensification of use and both RMF-L lots comply with the dimensional standards of the Zoning By-law, so a variance is not be required.
- The Urban Planning Division is recommending that Schedule “B,” which shows the two RMF-L zoned parcels be approved.

PUBLIC CONSULTATION

- The applicant held a public open house between 4pm – 8pm on Tuesday May 24, 2012 at the Canad Inns Fort Garry (1824 Pembina Highway). The open house was advertised in the Winnipeg Free Press and the Sou'Wester.
- Approximately 40 people attended the open house. Only 5 attendees formally submitted comments.
- Concerns included active transportation connectivity throughout the neighbourhood and bicycle parking availability in the multi-family designated sites; City-servicing along Lee Boulevard; and, real estate values.

CITY-OWNED LAND

- The City of Winnipeg owns Part Lot 37, Plan 2145 and Part Drain Plan 6714, which are both within the planned area of the subject application. The City of Winnipeg Real Estate Division has permitted the applicant to include this land in the DASZ application (see Schedule "D", Miscellaneous Plan No. 14337).
- The Public Service is requesting that this land be declared surplus and sold to the developer.

FUTURE ROAD CLOSINGS

- A road closing application will be required at a future date to close the portions of Cadboro Road; Lee Boulevard; Upham, Madina, and Mickle Avenues; and Garrick Street; and, the associated lanes that are within the planned area. Although these roads and lanes legally exist, not all are formally developed.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- Building elevations and landscaping plans were not included in the subject application. The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for the RMF-M and RMF-L zoned lots for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans before development takes place for the proposed development and for any future developments on the site.
- The following guidelines should be used when evaluating future developments proposed on the RMF-M and RMF-L sites:
    - The site layout and building orientation should ensure that the buildings relate appropriately to the street and surrounding developments and create a cohesive visual identity for the neighbourhood.
    - Parking areas should be located behind or beside principal buildings and should be well-screened with landscaping.

- Universally accessible connections should be linked to sidewalks.
- Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.
- The overall design should be made up of a distinctive, quality, architectural character and style that also avoids monotonous and featureless building massing and design.
- Landscaping should enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.

Fencing and Setback Requirements

- Fencing and setback requirements consistent with those requested in the report of the ACG have also been incorporated into the zoning agreement.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- Land dedication for this application is identified in the Report of the ACG.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed development is consistent with the Complete Communities Direction Strategy, the Waverley West Area Structure Plan and the proposed Waverley West – West Neighbourhood Area Structure Plan (SP 1/2012).
- Proportionally the anticipated number of dwelling units appears to be in line with the model used for dwelling units in the 2004 Waverley West Financial Impact Analysis (2004).
- Considering the zoning proposed and the proposed dwelling unit targets, the subject neighbourhood development should reach a minimum of 7 dwelling units per net acre, which is generally accepted as a minimum standard to service a neighbourhood with on-street transit.
- The proposed road network is sufficiently connected to the other Waverley West Neighbourhoods and meets the standards required by Winnipeg Transit to adequately service the neighbourhood with public transportation.

- The linear park system proposed for the development establishes an effective pathway system that is well-connected to the north and south neighbourhoods and to other amenities within the proposed neighbourhood.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 8/2012

Schedule "A" Advertised Subdivision and Rezoning for DASZ 8/2012

By-Law No. _____

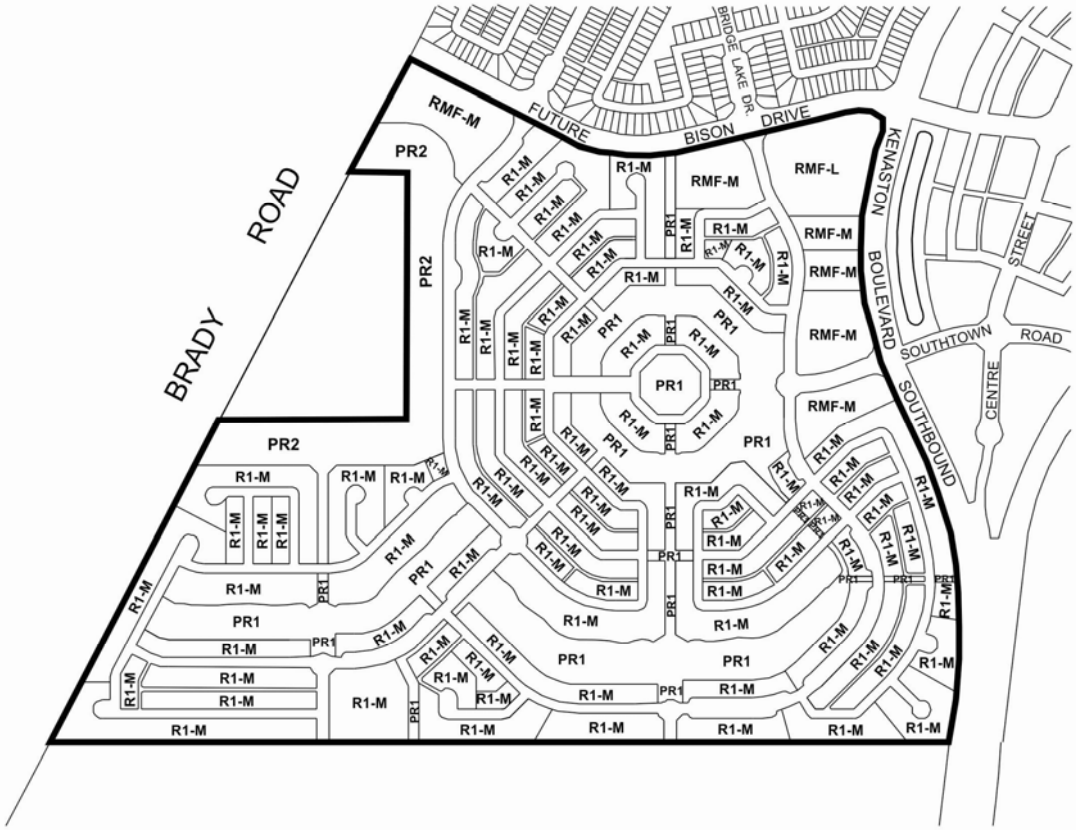
File No. **DASZ 8/12**

Atlas Sheet No.

AM20
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located in Waverley West Neighbourhood E. from an "A" AGRICULTURAL DISTRICT to the following zoning districts: "PR1" PARKS AND RECREATION 1 DISTRICT, "PR2" PARKS AND RECREATION 2 DISTRICT, "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RMF-M" and "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICTS as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" for File No. DASZ 8/2012, Riel Community Committee, dated August 31, 2012

By-Law No. _____

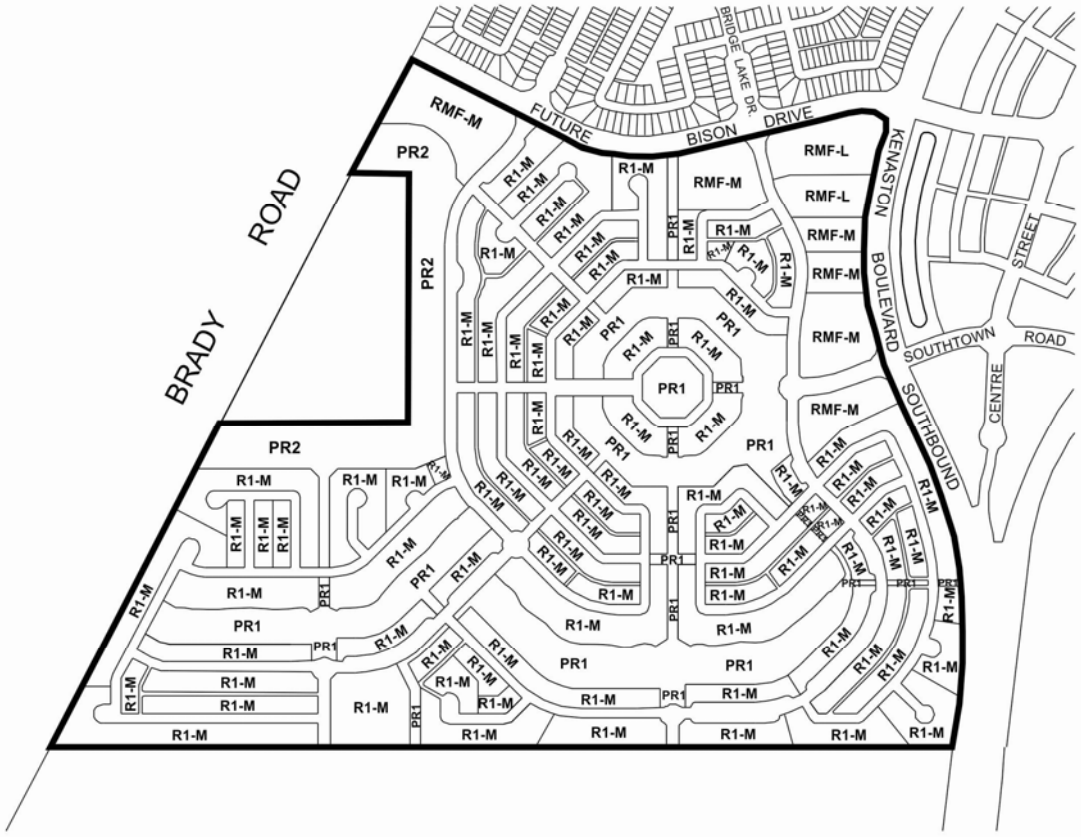
File No. **DASZ 8/12**

Atlas Sheet No.

AM20
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located in Waverley West Neighbourhood E. from an "A" AGRICULTURAL DISTRICT to the following zoning districts: "PR1" PARKS AND RECREATION 1 DISTRICT, "PR2" PARKS AND RECREATION 2 DISTRICT, "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RMF-M" and "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICTS as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "C"

SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – AUGUST 31, 2012

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT WAVERLEY WEST NEIGHBOURHOOD E – KENASTON BOULEVARD & BISON DRIVE SOUTHWEST - DASZ 8/2012

It is recommended that the approval of DASZ 8/2012, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. Plan Considerations

1. The Developer shall dedicate and legally open property required for a right of way corner cut in the southeast corner of the intersection of Bison Drive and Brady Road, as determined by, and to the satisfaction of, the Director of Public Works.

2. The Developer shall dedicate and legally open property required for a 1.825m widening of the Brady Road right-of-way abutting the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

3. The Developer shall dedicate and legally open property required for right-of-way corner cuts in the southwest and southeast corners of the intersection of the two collector streets intersecting with Bison Drive, as determined by, and to the satisfaction of, the Director of Public Works.

4. The Developer shall dedicate and legally open property for right-of-way corner cuts in the northwest and southwest corners of the intersection of South Town Road and southbound Kenaston Boulevard, as determined by, and to the satisfaction of, the Director of Public Works.

5. The Developer shall dedicate and legally open property for right-of-way corner cuts:

    a. 3.0m by 3.0m in *all* streets where the angle of intersection is less than 80º, and

    b. 2.0m by 2.0m in each corner of all other intersections of two streets 22.0m wide

    all to the satisfaction of the Director of Public Works.

6. The Developer shall provide minimum right-of-way widths of 9.0m for all proposed frontage roads, with frontage-road terminus points to be located and designed to the satisfaction of the Director of Public Works.

7. The Developer shall provide right-of-way to accommodate each cul-de-sac turnaround consistent with the dimensions shown on Streets and Transportation Drawing ST-90 (revised) or ST-90-A.

8. The Developer shall provide right-of-way widths of 6.25m for each public lane serving single or two-family residential development, and 7.25m for each public lane serving multi-family residential and commercial development, to the satisfaction of the Director of Public Works.

9. The Developer shall design intersections of local streets within the Planned Area such that the angle of intersection is no less than 70º, as measured in the quadrant with the acute angle.

10. The Developer shall ensure that, where two local residential streets intersect with a residential collector street on opposite sides of the collector, the centrelines of the local streets either coincide with one another at their intersection with the collector, or are offset by a minimum of 45.0m along the collector.

11. The Developer shall ensure that, where any local residential street is aligned to curve within 20.0m of its intersection with a residential collector street, that curve have a minimum centerline radius of 60.0m.

12. The Developer shall ensure that no cul-de-sac street exceeds 105m in length.

13. The Developer shall ensure that entrances and exits to/from proposed frontage roads along any collector street are coincident with, or a minimum of 20.0m from, intersections on the opposite side of the collector street, to the satisfaction of the Director of Public Works.

14. The Developer shall dedicate and legally open property required for the four proposed roundabouts at the intersections of collector streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

B. Engineering Report and Servicing Criteria

1. The applicant shall provide, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer, outlining the provision of underground services for the planned area and adjacent land.

2. The applicant submit, to the satisfaction of the Director of Water and Waste,

servicing criteria sheets for water, wastewater, and land drainage facilities, including plans showing the ultimate service areas.

C. Agreement Conditions

1. The Developer shall, at no expense to the City, install all wastewater sewers required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

2. The Developer shall, at no expense to the City, install all watermains required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

3. The Developer shall install lot line services to service all lots within the Planned Area, as follows:

    a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.
    b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby agrees to indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.
    c) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

4. The Developer shall, at no expense to the City, install all land drainage sewers and stormwater retention facilities required to serve the Planned Area and adjacent lands, as determined by, and to the satisfaction of, the Director of Water and Waste.

5. The Developer shall dedicate all land and provide all easements necessary to accommodate the required stormwater retention and land drainage facilities, as determined by the Director of Water and Waste, in accordance with the City's Development Agreements Parameters.

6. The Developer shall pay its share of the cost of the regional land drainage system for the Planned Area, as determined by the Director of Water and Waste

7. The Developer's share of the regional stormwater management facilities owing for the Planned Area shall be deducted from any amounts owed to the Developer for facilities previously constructed by the Developer.

8. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

9. The Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage prior to the issuance of building permits.

10. The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

11. The Developer shall, at no expense to the City, construct portland cement concrete pavements to widths of 10.0 metres, 8.0 metres, and 7.5 metres, by 200 mm and 150 mm in thickness and all related works, including, but not limited to, street lighting, boulevard landscaping and land drainage facilities, in all streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

12. The Developer shall, at no expense to the City, construct, within the proposed public lanes within the Planned Area serving single or two-family residential development, 5.0m wide by 150mm thick portland cement concrete pavements, and, within the proposed public lanes within the Planned Area serving multi-family residential and commercial development, 6.0-m-wide by 150-mm-thick portland cement concrete pavements, as determined by, and to the satisfaction of, the Director of Public Works.

13. The Developer shall, at no expense to the City, construct 150-mm-thick portland cement concrete pavements to widths of 6.0m within the proposed frontage roads within the Planned Area and all related works including, but not limited to, boulevard landscaping and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

14. The Developer shall pay to the City in cash, on demand, the cost of constructing, in portland cement concrete pavement, a westbound left-turn storage lane and upstream transition on Bison Drive, at its intersection with the two collector streets, west of southbound Kenaston Boulevard, as determined by the Director of Public Works.

15. The Developer shall pay to the City in cash, 50% of the cost of the installation of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of Bison Drive with Brady Road, as determined by the Director of Public Works.

16. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line, along both sides of all streets within the Planned Area with rights-of-way measuring 22.0m in width or greater except where frontage roads are constructed, as determined by and to the satisfaction of the Director of Public Works.

17. The Developer shall construct all sidewalks concurrently with the pavements with which they share the right-of-way. The City may file appropriate caveats in the Land Titles Office, notifying prospective homeowners of the proposed sidewalk locations.

18. The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily paved dead-ended street and provide any rights-of-way or easements necessary to accommodate same, all as determined by, and to the satisfaction of, the Director of Public Works.

19. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by, and to the satisfaction of, the Director of Public Works.

20. The Developer shall, at no expense to the City, sod boulevards and plant trees on all streets within the Planned Area, all in accordance with drawings and specifications to be prepared by the Developer and submitted to, and approved by, the Director of Public Works.

21. The Developer shall, at no expense to the City, maintain the boulevard improvements for one year, in accordance with specifications approved by the Director of Public Works.

22. The Developer shall, at no expense to the City, ensure that two means of paved vehicular access are available at all times to each stage of development of the Planned Area, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved roadways and the provision of easements or rights-of-way.

23. The Developer shall, at no expense to the City, cause to be installed standard, reflectorized, permanent street-name signs to be installed at all new street intersections being created as a result of the subdivision, to the satisfaction of the Director of Public Works.

24. Prior to construction, the Developer shall, at no expense to the City, obtain approval of and install, and subsequently maintain, at the entrances to the Planned Area, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow, the locations of all proposed sidewalks, public lanes, active transportation facilities, community mail boxes, parks, land drainage retention facilities, natural tree

stands, multiple family sites, collector and arterial streets and southbound Kenaston Boulevard, Bison Drive and Brady Road.

25. The Developer shall, at no expense to the City, cause to be installed ornamental street lights in all streets within the Planned Area, to the satisfaction of the Director of Public Works.

26. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works.

27. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

28. The Developer shall design the subdivision such that there are no private approaches serving single or two family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width) except where frontage roads are provided. No private approaches serving single and two family residential development will be permitted off Bison Drive. No private approaches will be permitted off southbound Kenaston Boulevard and Brady Road.

29. The Developer shall, at no expense to the City, construct within the rear yards of all single family and two family lots abutting Bison Drive, Brady Road and southbound Kenaston Boulevard, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Bison Drive, Brady Road and southbound Kenaston Boulevard requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

30. The Developer shall design the subdivision such that where single family and two family residential lots back onto Bison Drive the said lots are to be established with a minimum depth to provide a minimum rear yard set back of 17.5m. The Zoning Agreement covering these lots is to stipulate a minimum rear yard of 17.5m.

31. The Developer shall design the subdivision such that where single family and two family residential lots back onto southbound Kenaston Boulevard the said lots are to be established with a minimum depth to provide a minimum rear yard set back to achieve the City's Motor Vehicle Noise Policies and Guidelines sound level limit of 65 dBA in the typical outdoor recreation area of said residential lots. The Zoning Agreement covering these lots is to stipulate this minimum rear yard.

32. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes as determined by the Director of Public works. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free condition, free of dropped and tracked-on mud, and shall undertake

regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

33. The Developer shall, at no expense to the City, initiate and control the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off- site, during the installation of services and construction of buildings, until completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

34. The Developer shall pay to the City in cash, on demand, its share of the cost of the following services to be installed in Brady Road, along the full length of the Planned Area abutting the east side of Brady Road:

    a) a 4.0-m-wide by 200-mm-thick portland cement concrete lane of pavement and all related works;
    b) a 1.5-m-wide by 100-m-thick portland cement concrete sidewalk;
    c) street lighting in the west boulevard;
    d) landscaping in the west boulevard;

    all as determined by, and to the satisfaction of, the Director of Public Works.

35. The Developer shall construct, at no expense to the City, and/or pay on demand the full cost of the following temporary and permanent works on southbound Kenaston Boulevard at and in the vicinity of its intersection with the South Town Road:

    a) auxiliary lanes, transitions, median opening modifications, channelization and all related works;
    b) traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals;

    all as determined by, and to the satisfaction of, the Director of Public Works.

36. The Developer shall construct, at no expense to the City, and/or pay on demand the full cost of the following temporary and permanent works on southbound Kenaston Boulevard at and in the vicinity of its intersection with the South Town Road:

37. The Developer shall, at no expense to the City, construct the four proposed roundabouts at the four intersections of collector streets and provide any property required for right-of-way necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

38. The Developer shall, at no expense to the City, construct the proposed pedestrian bridge structures crossing the land drainage retention facilities and all related works, in accordance with plans and specifications as determined by and to the satisfaction of the Director of Public Works.

a) The Developer shall ensure that all Works are performed under the supervision of a Registered Professional Engineer to the satisfaction of the Director of Public Works.
b) The Director of Public Works will appoint a Representative who will oversee the Works and be responsible for approving any changes proposed by the Developer. The Developer shall ensure that the Representative is afforded full access.
c) The Developer shall, at no expense to the City, correct all defects and deficiencies for a period of two years, or longer periods as may be specified in the Specifications for certain products or work, from the Date of Total Performance, to the satisfaction of the Director of Public Works, acting reasonably
d) The Developer shall, at no expense to the City, undertake engineering study and monitoring of identified defects and deficiencies when requested by and to the satisfaction of the Director of Public Works, acting reasonably
e) The Developer shall submit as-built Plans, Specifications, Shop Drawings and Construction Report to the Director of Public Works upon completion of the Works.

39. The Developer shall dedicate to the City as public open space at least 8% of the land contained within the overall development area; noting that only partial credit shall be granted for park lands located within the landfill's zone of control (given that these lands area considered undevelopable land and the configuration is not ideal for parks purposes) and for linear parks along retention ponds – where the sloped grade limits multi-use options, the determination of which shall be to the satisfaction of the Director of Planning, Property and Development.

40. The Developer shall, at no expense to the City, landscape the public open space to a standard consistent with the level of development established in previous phases of Waverley West Bridgwater park developments, all in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Planning, Property & Development. The scope of landscaping shall include, at a minimum, asphalt paths, planting, site furnishings, play equipment, and the development of at least one athletic field.

    Note that improvements associated with "focal point" type elements are not considered 'standard' to previous phases. As articulated in the Area Structure plan any special focal area elements that may be anticipated for the central circular park space shall require a separate proactive and collaborative planning process with the City, and shall require final approval of the Director of Public Works and the Director of Planning, Property and Development

41. If the City deems that the provision of irrigation or water service to the public reserve is not required, the Developer shall provide compensation in the form of site amenities of predetermined equivalent value.

42. Calculation of serviced frontage PR land shall exclude those within the zone of

control, flanking the landfill site – given that these lands, with the excessive frontage, were not desired by the city.

43. That, the developer shall, at no expense to the City, erect uniform continuous fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fence shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

44. Park space development should be undertaken by the time the build out has reached 80% and completed prior to 100% build out, within that phase of the development, unless an extension of time has been previously approved by the Director of Public Works.

45. The developer shall assume responsibility for all public reserve sites until they are developed and Final Acceptance has been issued by the Director of Public Works.

46. The Developer shall, at no expense to the City, maintain the public open space improvements for a period of two years in accordance with specifications approved by the Director of Public Works**.** The city reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the director of Public Works deems to be beyond the standard scope of development.

47. Securities for Public reserve improvements shall not be released until as-built drawings have been received and accepted as complete by the Director of Public Works.

48. As previously indicated, a central “focal point” park and feature have been proposed but details on the “focal point” have not been provided by the applicant. Prior to the issuance of any building or development permit for the creation of this focal point, a proactive and collaborative planning process with the City is required with the final approval of the Director of Public Works and Director of Planning, Property and Development to determine the type, quality, and location of the focal point feature, as well as supporting infrastructure.

49. If the 6.25-m-wide rear-yard rights-of way associated with visitable housing are to be developed as public walkways, the Developer shall:

    a) accommodate a minimum 3.0 m wide, hard surface, clear path of travel walkway;
    b) construct the walkway to a standard that supports heavy equipment;
    c) ensure that the pedestrian hard surface walkway area is unencumbered with any land drainage infrastructure (e.g. manholes, catch basins, or drainage swales);
    d) provide for bench/ sitting nodes along the length of the path; the design of

which shall be in accordance the Universal Design standards, with the exception that spacing may be extended to approximately 300-400 m on-centre or as deemed appropriate by the Universal Design Coordinator;

e) provide sod and, if possible, trees along the length of the path;

f) provide pedestrian-scale lighting spaced along the length of the corridor to provide a minimum of 5 Lux along the path of travel, and incorporated into the hard surfacing (but outside of the path of travel) to simplify site maintenance, all to the satisfaction of the Director of Public Works;

g) construct a uniform 1.22-metre-high wrought iron style (or other approved open-style), complete with a gate for each lot, within the rear yards of all single-family lots which abut a right-of-way used as a walkway/pathway (excluding automobile use) incorporated into the stormwater drainage system at the back of the lots, and permit the City to file a caveat against the title of each such lot, requiring the owner(s) to maintain and/or repair and/or replace the fence as originally constructed, all to the satisfaction of the Director of Public Works and the City's Director of Planning, Property and Development;

h) turf maintenance to become the responsibility of the property owner backing onto the path, as governed by caveat or by-law;

i) ensure CPTED (Crime Prevention Through Environmental Design) principles for are applied, particularly related to establishing clear site lines between points of access/egress along the length of the path.

50. Where a designated AT corridor extends along a collector street having a frontage road, the pathway specifications shall be applied to the frontage road service island, ensuring a continuous path which aligns with the AT pathway at either end.

51. The Developer shall, as deemed necessary by, and at no expense to, the City, supply and install trail network signage and trail related traffic signage, on pathways and Active Transportation corridors, consistent with standards and specifications applied to similar citywide networks, and as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development.

52. The Developer shall upon the request of the Director of Public Works and the Director of Planning, Property and Development, erect a uniform wrought iron-style fence to a maximum height of 1.22 metres (4.0 feet) at the rear yards of single family dwelling lots that abut a right-of-way used as a walkway/pathway (excludes automobile use) incorporated into the stormwater drainage system at the back of these lots. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

53. That all single family dwelling lots that abut a right-of-way used as a walkway/pathway (excludes automobile use) incorporated into the stormwater drainage system at the back of lots shall not have any light proof fencing (ex. solid wood, brick, concrete, or other material) along the rear property line.

54. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

55. The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consultants approved by the City, for the design of the municipal services, parklands, parkways and associated works required to serve the Planned Area;

56. The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

57. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 8/2012
August 31, 2012

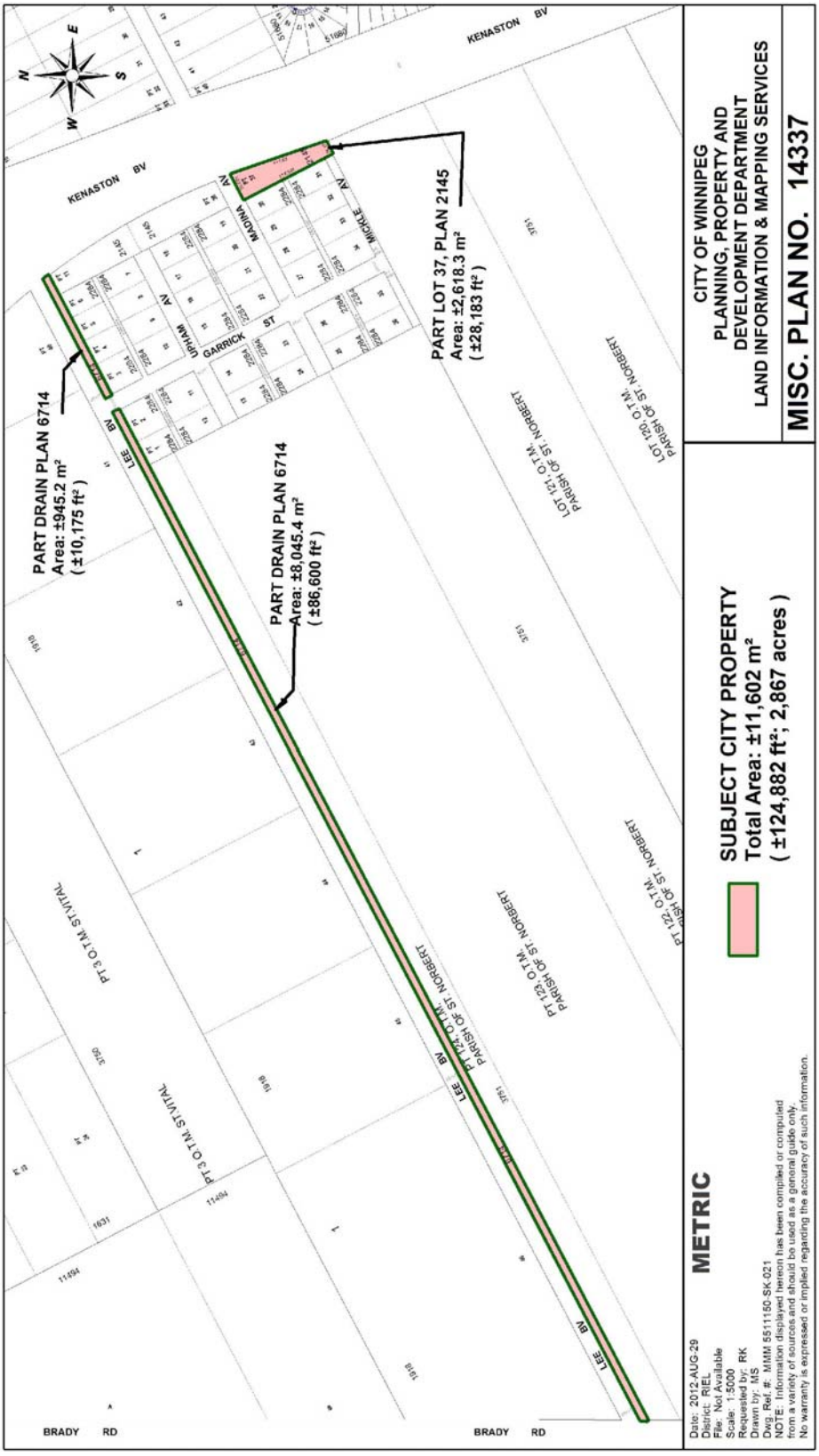
Original Signed by K.T. Raban, P.Eng.
K.T. Raban, P. Eng.,
Land Development Branch

Original Signed by R.J. Hartmann, P.Eng.
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

Original Signed by F.C. Mazur, P.Eng.
F. C. Mazur, P. Eng.
Water & Waste Department

Original Signed by D. Beaton, MLArch.
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

Schedule "D" **Misc. Plan No. 14337**



Schedule "E" for File No. DASZ 8/2012, Riel Community Committee, dated September 10, 2012

By-Law No. _____

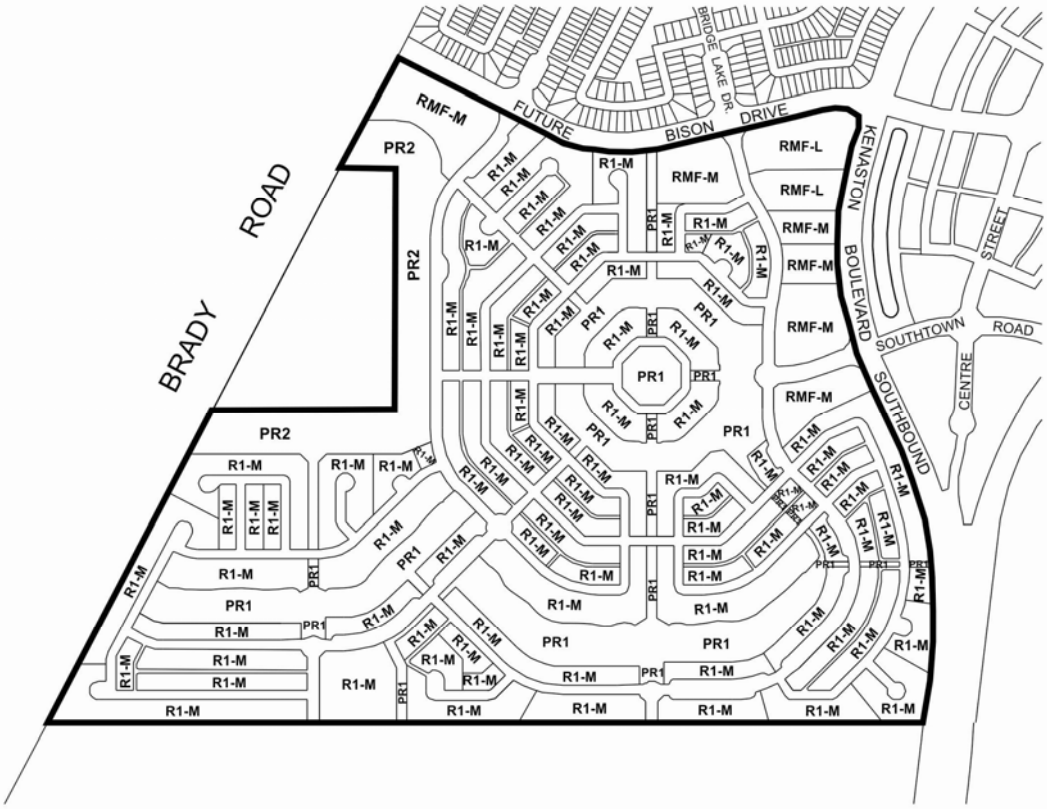
File No. **DASZ 8/12**

Atlas Sheet No.

AM20
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located in Waverley West Neighbourhood E. from an "A" AGRICULTURAL DISTRICT to the following zoning districts: "PR1" PARKS AND RECREATION 1 DISTRICT, "PR2" PARKS AND RECREATION 2 DISTRICT, "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RMF-M" and "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICTS as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____